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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re TERRORIST ATTACKS on) 03 MDL 1570 (RCC)
SEPTEMBER 11, 2001) ECF Case

This document relates to:

O'Neill v. Al Baraka Inv. & Dev. Corp., 04-CV-1923 (RCC)
New York Marine & General Ins. Co. v. Al Qaida, 04-CV-6105 (RCC)
Continental Casualty Co. v. Al Qaeda Islamic Army, 04-CV-5970 (RCC)
Cantor Fitzgerald & Co. et al. v. Akiu Bank Private Ltd., 04-CV-7065 (RCC)

**STIPULATION AND ORDER SETTING SCHEDULE FOR
THE NATIONAL COMMERCIAL BANK TO RESPOND TO COMPLAINTS**

IT IS HEREBY STIPULATED AND AGREED, by and between undersigned counsel for the *O'Neill*, *New York Marine*, *Continental Casualty*, and *Cantor* Plaintiffs (collectively, "Plaintiffs") and for Defendant The National Commercial Bank ("NCB"), subject to the approval of the Court, as follows:

1. The Court previously approved Stipulations by and between counsel for Plaintiffs and NCB that would have required NCB to move to dismiss or otherwise respond to Plaintiffs' complaints within forty-five (45) days from the date on which the Court decided NCB's motions to dismiss in *Burnett* (03-CV-9849) and *Ashton* (02-CV-6977). *See* MDL Dkt. #532 (*Cantor*); MDL Dkt. #542 (*O'Neill*); MDL Dkt. #621 (*NY Marine* and *Continental Casualty*).
2. On January 18, 2005, the Court denied without prejudice NCB's motions to dismiss in *Burnett* and *Ashton*, with leave to renew NCB's motion to dismiss those actions after completing limited jurisdictional discovery. MDL Dkt. #632 (Opinion and Order). On February 1, 2005, NCB filed a motion for reconsideration of the January 18 Opinion and Order, and that motion remains pending. *See* MDL Dkt. #648.
3. Subject to the disposition of NCB's pending motion for reconsideration, NCB shall file a consolidated motion to dismiss, or otherwise file individual responses to, the Complaints in

O'Neill, New York Marine, Continental Casualty, and Cantor on the same date that NCB renews its motion to dismiss the *Burnett* and *Ashton* actions, as allowed by the Court's January 18, 2005, Opinion and Order. The memorandum of law in support of NCB's consolidated motion shall not exceed 25 pages in length.

4. Plaintiffs shall have sixty (60) days from the date on which it is served with NCB's consolidated motion to dismiss to file their consolidated response to NCB's motion to dismiss. Plaintiffs' consolidated memorandum of law in response to NCB's consolidated motion shall not exceed 25 pages in length.

5. NCB shall have 30 days thereafter to file a consolidated reply to Plaintiffs' opposition. NCB's consolidated reply memorandum of law shall not exceed 10 pages in length.

6. The foregoing schedule is without waiver of any of NCB's defenses or of NCB's pending motion for reconsideration in the *Burnett* and *Ashton* actions.

Mano L.
Dated: February 7, 2005

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Dated: New York, New York
March 7, 2005

SO ORDERED:


Richard C. Casey

U.S.D.J. 